

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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WESTCHESTER BUILDING COMPANY, LLC,

Plaintiff,

-against-

07 Civ. 6386 (LAK)

AMERIQUEST MORTGAGE COMPANY,

Defendant.

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ORDER

LEWIS A. KAPLAN, *District Judge*.

By order dated July 20, 2007, the Court brought to the parties' attention that the complaint failed adequately to allege the citizenship of either party, pointing out *inter alia* that the pertinent authority with respect to the plaintiff was *Handlesman v. Bedford Village Green Assocs., L.P.*, 213 F.3d 48, 52 (2d Cir. 2000). That case makes clear that an LLC is a citizen of every state of which any of its members is a citizen in consequence of which it is necessary to allege the citizenship of all of the members in order properly to allege the citizenship of such an entity. The Court's order stated that the action would be dismissed absent the timely filing of an amended complaint curing the defects.

The amended complaint cured the defect with respect to the defendant but not the plaintiff. Accordingly, the action is dismissed for lack of subject matter jurisdiction. Any pending motions are denied as moot.

SO ORDERED.

Dated: September 5, 2007


Lewis A. Kaplan
United States District Judge

